

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOHNNY BERRY	:	CIVIL ACTION
Petitioner,	:	
	:	
v.	:	
	:	
JOHN WETZEL, et al.	:	
Respondents.	:	NO. 13-3486


**ORDER**

MITCHELL S. GOLDBERG, J.

AND NOW, this 30<sup>th</sup> day of December 2013, upon careful and independent consideration of the petition for Writ of *Habeas Corpus*, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, IT IS ORDERED that:

- i. The Report and Recommendation is APPROVED and ADOPTED.
- ii. The petition for Writ of *Habeas Corpus* is STAYED and held in ABEYANCE until the conclusion of petitioner's state court proceedings.
- iii. Petitioner shall notify this federal court within forty-five (45) days following the conclusion of his state court proceedings. If petitioner does not return to federal court within forty-five (45) days following the conclusion of state proceedings, this stay and abeyance order is vacated and his petition is dismissed without prejudice.
- iv. There is no probable cause to issue a certificate of appealability.
- v. The Clerk of the Court shall mark this case closed for statistical purposes.

BY THE COURT:

  
MITCHELL S. GOLDBERG, J.